Oregon CZARA – Aerial Application of Herbicides on Type N streams in forests
Notes from Subgroup Mtg, 8/28/14

1) Does Oregon's Forest Practices Act have adequate buffers for aerial application of herbicides on Type N streams on forestland?
    a. Current state regs
    b. Other states

We talked about the state not having any explicit buffers for Type N streams for aerial application of herbicides in their FPA. WA and Idaho staff stated they have explicit buffers for aerial application of pesticides to generally protect all streams. There may be some general language in Oregon FPA that prohibits direct application of pesticides to water. We also concluded that we would focus on whether Oregon had any buffers for aerial application of herbicides on Type N streams for forests and not focus on adequacy.
***Follow-up**: Jenny is getting more info from ODF on their state regs and from CA. If anyone has a BLM contact, please let me know. Jenny may also add information to the rationale with regulations from neighboring states.*

2) What's the process for determining practices or buffers when herbicides are aerially sprayed on Type N streams on forestland?
    a. Roles of ODF and ODA
    b. Notification and enforcement
    c. Policies

We discussed how the State's program functioned for the aerial application of herbicides for Type N streams on forestland. Under FPA, applicators or the landowner submit notification to ODF prior to application indicating where, what, and how a pesticide will be applied. The applicator includes a plan for how they will protect streams. After a 15-day waiting period, they can apply their pesticides. If pesticides are applied before 15 days or is misapplied, ODF can fine the applicator under FPA. If there is a suspected FIFRA violation or a "major" application (undefined), ODF contacts ODA for inspection/enforcement. Thus far, in notifications to ODF, there are no explicit buffers for Type N streams presumably since there are no buffers under FPA. There is blanket language that all measures under FPA (includes following FIFRA labels) must be addressed.

We talked about the State being able to meet this condition through buffers or practices, such as better education, outreach and a box to check off on the notification that the applicator considers all streams including Type N streams when adhering to the label.

We also talked about different ways to close the gap between ODF and ODA re: policies on implementing their pesticides program. ODF has a strategy developed in 2013 that lays out several good ideas (see attachment in email.) PARC is a venue where the agencies can coordinate further.

***Follow-up**: Dirk took a first cut at the box, and we've identified education and outreach. Jenny has a call into ODF to find out where they are in their strategy on outreach, training, etc with ODA. Jenny also has a call into ODF to find out how FPA protects Type N streams for aerial application of herbicides.*
Allison, should I add explanation of how ODF's program works in the rationale, so we can then ID the shortcomings and remedies?

3) Why does Oregon need to go above and beyond FIFRA to address buffers for aerial application of herbicides on Type N streams on forestlands?
    a. Ex. 5 - Deliberative
    b. Condition specific to forest practices and buffers

Ex. 5 - Deliberative

4) What actions should Oregon take to have an approvable or improved program re: buffers for aerial application of herbicides on Type N streams on forestlands?
    a. Type N protections under FPA, education, outreach, coordination between ODA and ODF, other items listed in issues paper

Already discussed and additional ideas noted

5) *Why is protection of Type N streams important in the aerial application of herbicides on forestlands? What was the basis of this condition in 1998?*

We talked about the importance of answering the above question to support the rationale. Thus far, support is that it was included in 1998 in the Salmon Coastal Restoration Initiative (SCRI), Type N streams comprise 60-70% of stream length, and there are listed coho and other salmonids in downstream fishing areas. Also, all neighboring states have specific buffers that restrict aerial application over Type N streams – can provide citations on these. We talked about there not being scientific studies showing impairment of Type N streams and also talked about the question of how much information we need to show why this condition was placed on the State. We also talked about the question of whether we had enough support to approve the program given what we've found out. (Note: Though we didn't discuss today, we've looked at all the studies cited by the State and other commenters, of which none focus on Type N streams. Note that the paired watershed study cited by the State is not peer-reviewed, and EPA OWW has had major concerns with conclusions drawn from the State on these studies.)

Follow-up: *Jenny is doing more research on any scientific studies in Oregon or other states on aerial application of herbicides on Type N streams in forestlands. Jenny will also look into the basis of the SCRI recommendation and for why EPA and NOAA decided to include this recommendation as a CZARA condition.*

Next Steps – *September 11 2nd subgroup meeting; Rationale and Issues Paper to be amended. Manager's meeting Sept. 18 or 22.*